

**AN ORDINANCE
BY COUNCILMEMBER IVORY LEE YOUNG JR.**

**AN ORDINANCE MODIFYING ATLANTA CODE OF ORDINANCES
SECTION 110-3, SUBSECTION (a)(4), TO ADD A RECREATION
CENTER RENTAL SURCHARGE, TO BE APPLIED TO RENTALS
DURING NON-REGULAR FACILITY HOURS, FOR THE PURPOSE
OF ~~AND~~ STAFFING THE CENTER DURING THE RENTAL; AND FOR
OTHER PURPOSES.**

WHEREAS, the City of Atlanta ("City") Code of Ordinances, Section 110-3 ("Fee Code") establishes a fee structure for individuals and entities wishing to utilize City parks, recreation, and cultural affairs rooms and amenities, and for individuals and groups wishing to participate in City programs, classes and activities; and

WHEREAS, subsection (a)(4) of the Fee Code sets forth a fee schedule for rental of City recreation centers; and

WHEREAS, as a service to its citizens, the City rents its recreation centers, including the rooms therein, at a reasonable and affordable cost. Currently the rental fees cover utilities, general clean up, and wear and tear, but not staff costs; and

WHEREAS, in December 2008, in order to address an anticipated budget shortfall, Mayor Franklin reduced the number of staff persons in the Office of Recreation by over 100 people, and reduced the working hours of the remaining staff by ten percent. These reductions were in addition to the staff reductions made previously in 2008; and

WHEREAS, the Department of Parks, Recreation and Cultural Affairs, and specifically the Office of Recreation, is significantly short-staffed, and does not have enough employees available to extend the hours of recreation centers, or open recreation centers that are currently closed. In addition, given the budget shortfall, the City is unable to pay for additional or overtime wages for the extra staff time that would be necessary to extend center hours or open centers that are currently closed; and

WHEREAS, without the ability to staff recreation centers for additional hours, or open the closed centers, the City cannot permit the vast majority of the recreation center rental requests; and

WHEREAS, the City will be able to accommodate recreation center rentals if the renter pays the City for staffing expenses required by the rental, namely \$25.00 per hour, and shall entail the cost of off-duty security personnel in select circumstances. Decisions on the amount of staff required, and the amount of security personnel required (if any), shall be made based upon the size, time, and nature of the event; and

WHEREAS, it is in the best interest of the public to add a personnel surcharge to all recreation center rentals that occur during non-operating hours of the recreation center, and to

require the renter to provide off-duty security during recreation center rentals in select circumstances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1:

Section 110-3, subsection (a)(4) shall be amended by adding a new subsection "(d)" that shall read as follows:

"(d). Salary Surcharge and Security Requirements:

1. Salary Surcharge. In addition to all of the fees set forth above in this subsection (a)(4), the renter of any recreation center or portion thereof shall be required to pay a salary surcharge for those times when the rental occurs during the non-regular operating hours of the recreation center being rented. The Salary Surcharge shall be applied to any and all renters using a facility during non-regular operating hours, including without limitation Booster Clubs, NPU's, and Neighborhood Planning Unit Neighborhood Association Sub-Committees. The Salary Surcharge shall be \$25.00 per hour for each staff person required. One staff person shall be provided for every one hundred persons whom the Office of Recreation reasonably expects to attend, such that 1-100 anticipated attendees shall require one staff person; 101-200 anticipated attendees shall require two staff people, etc. The number of expected attendees shall be based upon the number provided on the rental application, except that the Office of Recreation may apply a different number where it has reasonably reliable information that more attendees will be present, where it provides that information and the decision to the applicant in writing, and where it gives the applicant an opportunity to refute the information. The Salary Surcharge shall be paid at a time and in a manner designated by the Office of Recreation, but in no event later than seven days prior to the rental.

2. Security Requirement. The renter of all or a portion of a recreation center must provide off-duty POST-certified law enforcement officers during the rental, regardless of whether the rental occurs during regular or non-regular operating hours if: a) the Office of Recreation reasonably expects that the number of attendees will be greater than seventy-five; or b) the event is a party or other gathering for social purposes (i.e. not a meeting), where the Office of Recreation reasonably expects that the event will be attended primarily by persons under the age of 21 years; or c) the event involves the serving of alcohol; or d) the Office of Recreation and the Atlanta Police Department both reasonably determine that security is required because of the nature of the event to protect the safety of persons and/or property. The number of security personnel required shall be one officer for every seventy-five anticipated attendees or less (1-75 anticipated attendees shall require one officer; 76-150 anticipated attendees shall require two officers, etc.), unless the Atlanta Police Department decides that a greater ratio of security personnel is required to protect the safety of persons and/or property. The Office of Recreation shall establish in writing the procedure for ascertaining that the renter has met the security requirements established by the Office of Recreation and/or the Atlanta Police Department for the rental. To the extent that this subsection (d)(2) requires that a discretionary decision be made by the Office of Recreation and/or the Atlanta Police Department, the decision must be made based upon reasonably reliable information, that information and decision must be provided to the applicant in

writing, and the applicant must be given an opportunity to refute the information. In no event shall the basis of the discretionary decision be the applicant's or attendees' race, color, creed, religion, gender, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, gender identity, or disability status."

SECTION 2:

All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.